

**R82. Alcoholic Beverage Control, Administration.**

**R82-8a. Resorts.**

**R82-8a-101. Definitions.**

(1) Authority. The Commission makes the following definitions, pursuant to section 32B-1-102.

(2) Definitions.

(a) "Lounge or bar area" means:

(i) the bar structure as defined in section 32B-1-102;

(ii) any area in the immediate vicinity of the bar structure where the sale, service, display, and advertising of alcoholic beverages is emphasized;

or

(iii) any area that is in the nature of or has the ambience or atmosphere of a bar, parlor, lounge, cabaret, or night club.

(b)(i) "Resort spa" means a facility within the boundary of a resort building that provides professionally administered personal care treatments such as massages, facials, hair care, and nail care.

(ii) Treatment providers who work at a resort spa must be licensed under Title 58, Division of Professional Licensing Act.

(iii) The resort spa also must hold a license to conduct business as a spa or similar operation under local licensing laws.

**R82-8a-102. Applicability of Rules.**

(1) Section 32B-8-402 requires that a person operating under a resort sublicense comply with the operational restrictions of Title 32B, Alcoholic Beverage Control Act, for the type of license applicable to the sublicense, except where otherwise provided. For example, a bar sublicensee must comply with the operational restrictions found in sections 32B-5-301 through 32B-5-310 and 32B-6-406 that are applicable to a bar licensee.

(2) This rule requires that a person operating under a resort sublicense comply with the operational restrictions found in any Commission rule for the type of license applicable to the sublicense, except where otherwise provided.

**R82-8a-103. Application for licensure – Operational Requirements.**

(1)(a) Application. Pursuant to sections 32B-5-203 and 32B-8-204 and -302, a resort spa sublicense is not required to file a separate application from the application for the resort license unless the resort spa sublicense is being sought after the resort license has already been granted.

(b) If a resort licensee seeks to add a resort spa sublicense after its resort license is granted, the application shall comply with section 32B-8-302 and this rule.

(2) Minors in Lounge or Bar Areas.

(a) Pursuant to Section 32B-8-304, a minor may be on the premises of a resort spa if accompanied by a person 21 years of age or older, but may not be admitted into, use, or be on the premises of any lounge or bar area of a resort spa.

**KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: February 25, 2020**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202**

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